

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED STATES OF AMERICA

V.

ALVIN BERNARD ALLEN

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CASE NO. 2:05-CR-3(18)

MEMORANDUM ORDER

The court referred a petition, alleging violation of supervised release conditions, to United States Magistrate Judge Chad Everingham in Marshall, Texas for consideration pursuant to applicable laws and orders of this court. The court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings, and all available evidence.

At the close of the September 23, 2010 revocation hearing, defendant, defense counsel and counsel for the government signed a standard form waiving their right to object to the proposed findings and recommendations contained in the United States Magistrate Judge's report, consenting to revocation of supervised release and to the imposition of the above sentence recommended in the report. Defendant also waived his right to be present and speak before the District Judge imposes the recommended sentence. The government did not file any objections. Therefore, the Court may act on the Report immediately.

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and his report is **ADOPTED**. It is therefore

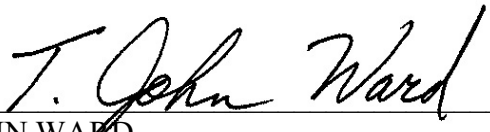
ORDERED that the defendant's plea of true to the second allegation as set forth in the government's petition be **ACCEPTED**. Based upon the defendant's plea of true to the allegation, the

court finds that the defendant violated the conditions of his supervised release. It is further

ORDERED that the defendant's supervised release be **REVOKED**. Judgment and commitment will be entered separately, in accordance with the Magistrate Judge's report. It is further

ORDERED that the defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of 27 months, with no term of supervised release to follow such term of imprisonment.

SIGNED this 18th day of October, 2010.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE